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ULI ZANGPO

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MARK MORRISON.

Plaintiff,

vs.

ULI ZANGPO,

Defendant.

) No. CV 08 1945 EMC

)

) **Declaration of Steven Finkbine in Support**  
) **of Binding Arbitration Between Uli Zangpo**  
) **And Mark Morrison**

)

) Date: September 17, 2008

) Time: 10:30 a.m.

) Place: Courtroom C, 15<sup>th</sup> Floor

)

1. I am a partner in the Manzanita Project with Uli Zangpo since 2004. In 2005 Mark Morrison and Jim Sciaroni joined the partnership.

2. The agreement on binding arbitration in the Manzanita Agreement is broad, saying ‘based upon, arising out of, or in any way relating to this agreement.’ The agreement between Mark Morrison and Uli Zangpo on 30 Prospect is a separate contract than the Manzanita agreement, but the Prospect Contract is certainly related to the Manzanita contract.

1  
2 3. This relation extends to a number of points:

3 3 (a) Uli Zangpo's taking on the Prospect job was largely driven by  
4 Mark Morrison's inability to pay his remaining due on Manzanita.  
5 The sooner Prospect was re-modeled and sold the sooner Zangpo  
6 would receive the rest of Morrison's outstanding debt on Manzanita.

7 Zangpo had a large financial incentive to involve himself in Prospect;  
8 3(b) The Prospect house was to have much of its woodwork milled in  
9 the cabinet shop set up by Uli Zangpo. This was to serve as the  
10 prototype for the other houses on Manzanita assuming that project  
11 went well, with each partner having individual choice whether to  
12 build in this style or not;

13 3 (c) Materials stored on the Manzanita property were used on the  
14 Prospect job;

15 3 (d) The desirability of Zangpo having a primary role in the Prospect  
16 job was discussed in formal Manzanita meetings; and.

17 3 (e) Zangpo and Morrison's business relationship on Prospect arose  
18 out of their partnership on Manzanita.

19  
20 If called as a witness, I could competently testify to the foregoing. I  
21 declare under penalty of perjury that the foregoing is true and  
22 correct. Executed at San Geronimo, California this 14th day of  
23 August, 2008.

24 /s/ Steven Finkbine

25 \_\_\_\_\_  
26 Steven Finkbine  
27  
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